

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

John K. White, #080622,)	C.A. No. 4:05-877-CMC-TER
)	
Plaintiff,)	
)	
v.)	ORDER
Jon Ozmint; and)	
South Carolina Department of Corrections,)	
)	
Defendants.)	
_____)	

This matter is before the court on Plaintiff's *pro se* complaint seeking injunctive relief and monetary damages from Defendants due to their alleged "negligence" in paroling him from the South Carolina Department of Corrections in 1984.¹

In accordance with the court's order of reference, 28 U.S.C. § 636(b), and Local Rule 73.02 (B)(2)(b), (d), and (e), DSC, this matter was referred to United States Magistrate Judge Thomas E. Rogers for pre-trial proceedings and a Report and Recommendation. On April 4, 2005, the Magistrate Judge issued a Report recommending this case be dismissed without prejudice and without issuance and service of process because this court lacks subject matter jurisdiction in this matter. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and Recommendation and the serious consequences if he failed to do so. Plaintiff has filed no objections and the time for doing so has expired.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo*

¹Plaintiff's parole was apparently revoked in 1999 and he is currently incarcerated at McCormick Correctional Institution.

determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b).

After reviewing the record of this matter, the applicable law, and the Report and Recommendation of the Magistrate Judge, the court agrees with the conclusions of the Magistrate Judge. Accordingly, the court adopts and incorporates the Report and Recommendation by reference in this Order.

IT IS THEREFORE ORDERED that this matter is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
April 28, 2005

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